

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

**GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION
FOR COURT MONITORED BRADY DISCLOSURE**

The United States hereby responds to the defendant’s Motion for Court Monitored Brady Disclosure. In his motion, the defendant argues that “the possibility of the imposition of a death verdict renders the entire trial process subject to a ‘heightened’ standard for constitutional and statutory compliance by the courts and the government.” Defense Motion at 1. On December 17, 2014, the Attorney General of the United States authorized and directed the government not to seek the death penalty against the defendant. On December 18, 2014, the government formally notified the Court of the Attorney General’s decision. Consequently, the defendant’s pending Motion for Court Monitored Brady Disclosure has been rendered moot.

Furthermore, in a hearing on December 19, 2014, the Court denied the defendant's Motion for Designation of Government Law Enforcement Agencies Involved in the Investigation and Presentation of the Pending Charges. In that motion, the defendant asserted that to secure his rights under *Brady* the government should be required to take the extraordinary measure of formally designating the law enforcement agencies who participated in the investigation. The

Court found that such a measure was unwarranted. Likewise, the defendant's request for Court-monitored *Brady* disclosure is an extraordinary measure that is unwarranted. The government is fully aware of its obligations under *Brady* and Rule 16 and has been diligently and methodically producing evidence to the defense over the past months.

Accordingly, the government asks the Court to deny the defendant's motion.

Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

/s/

Stephen M. Campbell
Julia K. Martinez
Assistant United States Attorneys
Counsel for the Government
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, VA 22314
(703)299-3700
(703)739-9556 (fax)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 7, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will then send electronic notification of such filing (NEF) to defense counsel on the case.

/s/
Stephen M. Campbell
Assistant United States Attorney
Counsel for the Government
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, VA 22314
(703)299-3700
(703)739-9556 (fax)